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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,976	07/24/2003	Valerie A. Driscoll		1696

7590 10/15/2004

Ted Masters
23344 8th Street
Newhall, CA 91321

EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,976

Applicant(s)

DRISCOLL, VALERIE A. 

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 21-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-15 and 21-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the one blade being insertable between the side window and the side window weather-stripping of claim 26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson in view of Altshul.

Wilkinson discloses a sun shield which is attachable to a vehicle for blocking glare from the sun, the sun shield comprising: a clamp for selectively attaching the sun shield to a desired location on one of the visor and side window; a swivel attached to the clamp; a plurality of blades pivotally attached to the swivel, wherein each of the plurality of blades is rotationally positionable about the swivel; and wherein one of the blades may be rotated so that the rotated blade blocks glare from the sun.

With regard to claim 14, the plurality of blades can apparently include blades having different lengths (Figure 3).

With regard to claim 15, the plurality of blades are apparently arranged in order from shortest to longest (Figure 3).

Wilkinson discloses the sun shield attachable or capable of attachment to the vehicle.

Wilkinson lacks the vehicle having a visor or side window as well as the clamp being directly attached to one of the visor and side window.

Altshul teaches a sun shield for a vehicle having a visor and inherently having a side window (as is well known from conventional vehicles). In addition, Altshul teaches the sun shield having a clamp being directly attached to the visor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the sun shield of Wilkinson upon the vehicle of Altshul and

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specifically to have provided the shield upon the visor as taught by Altshul in order to further block glare to an occupant of the vehicle without the need to use the entire visor.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson in view of Altshul.

Wilkinson discloses a sun shield attachable to a vehicle for blocking glare from the sun, the sun shield comprising: a clamp for selectively directly attaching the sun shield to a desired location on the vehicle; a swivel attached to the clamp; and at least three blades pivotally attached to the swivel, wherein each of the blades is rotationally positionable about the swivel.

Wilkinson lacks the vehicle having a visor and side window and further lacks attaching the shield to a desired location on the visor.

Altshul teaches a sun shield for a vehicle having a visor and inherently having a side window (as is well known from conventional vehicles). In addition, Altshul teaches the sun shield having a clamp being directly attached to the visor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the sun shield of Wilkinson upon the vehicle of Altshul and specifically to have provided the shield upon the visor as taught by Altshul in order to further block glare to an occupant of the vehicle without the need to use the entire visor.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson, as modified, as applied to claim 22 above.

With regard to claim 23, Wilkinson, as modified, discloses four blades but not five

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It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Furthermore, it would have been obvious to provide an additional blade to block additional glare.

6. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson, as modified, as applied to claim 22 above.

With regard to claim 24, Wilkinson, as modified, includes the at least three blades arrangeable in a fanned configuration for blocking large areas of glare.

With regard to claim 25, Wilkinson, as modified, includes when the clamp is attached to the desired location on one of the visor and side window, one of the blades is rotationally positionable to block one source of glare, and another of the blades is rotationally positionable to block another source of glare.

7. Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Van Devender.

Thompson discloses a sun shield attachable to a vehicle for blocking glare from the sun, the sun shield comprising: a clamp for selectively directly attaching the sun shield to a desired location on the vehicle; a swivel attached to the clamp; and at least three blades pivotally attached to the swivel, wherein each of the blades is rotationally positionable about the swivel.

Thompson lacks the vehicle having a visor and side window and further lacks attaching the shield to a desired location on the visor.

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Van Devender teaches a sun shield for a vehicle having a visor and a inherently having a side window (as is well known from conventional vehicles). In addition, Van Devender teaches the sun shield having a clamp being directly attached to the visor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the sun shield of Thompson upon the visor of Van Devender in order to further block glare to an occupant of the vehicle.

With regard to claim 26, Thompson, as modified, further discloses the sun shield including five of the blades pivotally attached to the swivel. The five blades are arrangeable in a fanned configuration for blocking large areas of glare. One of the five blades is insertable or capable of being inserted between the side window and a side window weather stripping (inherent in conventional vehicles). The blade is capable of serving as an anchor for supporting a remainder of the blades. When the clamp is attached to the desired location on the visor, one of the blades is rotationally positionable to block one source of glare, and another of the blades is rotationally positionable to block another source of glare.

8. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Gruber.

Thompson discloses a sun shield attachable to a vehicle for blocking glare from the sun, the sun shield comprising: a clamp for selectively directly attaching the sun shield to a desired location on the vehicle; a swivel attached to the clamp; at least three blades pivotally attached to the swivel, wherein each of the blades is rotationally positionable about the swivel.

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Thompson lacks the vehicle having a side window having side window weather stripping for insertion of one of the blades therein.

Gruber teaches a vehicle having a side window having side window weather stripping and a sun shield insertable between the side window and the side window weather stripping.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided one of the blades of the sun shield of Thompson insertable or capable of being inserted between a side window and a side window weather stripping of the vehicle as taught by Gruber in order to serve as an anchor for supporting a remainder of the blades and thereby provide a side sun shield for the occupant of the vehicle.

With regard to claim 28, Thompson, as modified, includes five blades pivotally attached to the swivel.

With regard to claim 29, Thompson, as modified, includes the remainder of the blades arrangeable in a fanned configuration for blocking large areas of glare.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Van Devender.

Allen discloses a sun shield which is attachable to a vehicle for blocking glare from the sun, the sun shield comprising: a clamp; a swivel attached to the clamp; at least three blades pivotally attached to the swivel, wherein each of the blades is rotationally positionable about the swivel.

Allen lacks the vehicle having a lowered visor having a top with the clamp of the sun shield being directly attached to a desired location on the top of the lowered visor and wherein

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when the sun shield is attached to the top of the lowered visor, one of the blades is rotatable so that the blade extends below the lowered visor.

Van Devender teaches a sun shield for a vehicle having a lowered visor having a top with a clamp of the sun shield being directly attached to a desired location on the top of the lowered visor and wherein when the sun shield is attached to the top of the lowered visor, a blade extends below the lowered visor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the sun shield of Allen upon a top of a lowered visor as taught by Van Devender in order to provide a supplemental sun visor.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13. **Any response to this final action should be mailed to:**

Box AF

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

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(703) 872-9327, (for formal communications; please mark "EXPEDITED
PROCEDURE")

or:

(703) 746-3515, (for informal or draft communications, please clearly label
"PROPOSED" or "DRAFT").



10/17/07

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600